

# **EXHIBIT 16**

## **(Notice of Withdrawal of Motion)**

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**IN THE SECOND JUDICIAL DISTRICT COURT  
WEBER COUNTY, STATE OF UTAH**

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MOLLY J. MULLIGAN; and  
JOHN P. MULLIGAN,

Plaintiffs

v.

SINGLE BOX, L.P.;  
SB AB WEST LOOP, L.P.;  
BRETT H. DEL VALLE and TRACI M.  
DEL VALLE, as Co-Trustees of The Del  
Valle Family Trust dated October 30, 2002,

Defendants.

**NOTICE OF WITHDRAWAL  
OF  
MOTION OF PLAINTIFFS  
FOR LEAVE TO FILE A  
SUPPLEMENTAL COMPLAINT**

Civil No. 210904774

Judge: Noel S. Hyde

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Plaintiffs Molly J. Mulligan and John P. Mulligan (“**Plaintiffs**”), by and through their undersigned counsel of record, hereby withdraw the **MOTION OF PLAINTIFFS FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT** dated and filed August 27, 2024 (the “**Motion**”) and all their supportive filings (the “**Withdrawal**”). The grounds for the Withdrawal are as follows:

1. No order has yet been entered in connection with the Motion;
2. On or about December 18, 2024, after the hearing on Plaintiffs' Motion, Alum Rock Riverside LLC ("**Alum Rock**") (which entered a limited appearance in this action and opposed Plaintiffs' Motion) caused to be posted to the subject Property, Plaintiffs' residence, a *Notice of Sale Real Property* informing Plaintiffs of a scheduled Sheriff's Sale of the Property scheduled for January 16, 2025 at 12:00 p.m. (the "**Sheriff's Sale**"<sup>1</sup>) which sale is based upon a certain *Notice of Judgment* filed on October 23, 2020 in the Third Judicial District Court, Salt Lake County, which Notice was recorded in the office and general records of the Weber County Recorder on October 23, 2020 as Entry No. 3101770 (the "**Alum Rock Lien**"), but which lien was not abstracted to or against the Property and against which the Mulligans have claims and defenses yet to be adjudicated;
3. Alum Rock posted its Notice of Sheriff's Sale on the Property notwithstanding its failure to establish and prove what portion of the Property previously owned by the subject Trust was attributable to apparent settlor Brett's contribution, if indeed any at all (including pursuant to a writ "proceeding" upheld in *Mulligan v. Alum Rock Riverside, LLC*, 2024 UT 22, ¶ 66<sup>2</sup> and despite the Utah Supreme Court expressly stating it had "*no opinion*" on "*whether [co-trustee Traci Del Valle's] joint ownership of the Property has any effect on [Alum Rock's] judgment lien*"<sup>3</sup>), and what portion of the Property is therefore subject to the Alum Rock Lien and to any execution upon and/or foreclosure thereof, if indeed any at all, among other legal issues and claims asserted by the Mulligans;

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<sup>1</sup> See *Declaration of Felicia B. Canfield*, filed herewith, Exhibit A.

<sup>2</sup> "Simply put, this proceeding to enforce that judgment through a writ of execution is not an action involving real property governed by the venue statute."

<sup>3</sup> *Id.* n. 7.

4. Alum Rock is not a party to this action, no order on Plaintiffs' Motion having been entered and no Supplemental Complaint having been filed; therefore, Plaintiffs have no adequate or speedy remedy in this action to address the Sheriff's Sale or Alum Rock's Lien.

For all of these reasons, Plaintiffs therefore and hereby **withdraw their Motion.**

DATED DECEMBER 24, 2024.

CANFIELD LAW LLC

/s/ Felicia B. Canfield

Felicia B. Canfield

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on DECEMBER 24, 2024 I caused a true and correct copy of the foregoing **NOTICE OF WITHDRAWAL OF PLAINTIFFS FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT** to be served in the manner indicated to the following parties at the addresses listed below:

<p>R. Jeremy Adamson Chad S. Pehrson Kunzler Bean &amp; Adamson, PC 50 W. Broadway, 10<sup>th</sup> Floor Salt Lake City, UT 84101 <a href="mailto:jadamson@kba.law">jadamson@kba.law</a> <a href="mailto:cpehrson@kba.law">cpehrson@kba.law</a> <i>Attorneys for Single Box, L.P. and SB AB West Loop, L.P.</i></p>	<p>_____ Hand Delivery _____ First Class, United States Mail, Postage Prepaid <input checked="" type="checkbox"/> E-filing via GreenFiling _____ E-filing via CM/ECF _____ Email _____ Other: _____</p>
<p>Benjamin D. Johnson KC Hooker BENNETT TUELLER JONSON &amp; DEERE 3165 East Millrock Drive, Suite 500 Salt Lake City, Utah 84121 <a href="mailto:ben.johnson@btjd.com">ben.johnson@btjd.com</a> <a href="mailto:kchhooker@btjd.com">kchhooker@btjd.com</a> <i>Attorneys for Alum Rock Riverside LLC</i></p>	<p>_____ Hand Delivery _____ First Class, United States Mail, Postage Prepaid <input checked="" type="checkbox"/> E-filing via GreenFiling _____ E-filing via CM/ECF <input checked="" type="checkbox"/> Email _____ Other: _____</p>
<p>Bradley L. Tilt FREEMAN LOVELL, PLLC 4568 S Highland Drive, Suite 290 Salt Lake City, Utah 84117 <a href="mailto:bradley.tilt@freemanlovell.com">bradley.tilt@freemanlovell.com</a> <i>Attorneys for Plaintiffs</i></p>	<p>_____ Hand Delivery _____ First Class, United States Mail, Postage Prepaid <input checked="" type="checkbox"/> E-filing via GreenFiling _____ E-filing via CM/ECF _____ Email _____ Other: _____</p>

/s/Felicia B. Canfield  
Felicia B. Canfield